

Applicant : Thomas Ebner
Serial No. : 10/568,049
Filed : February 10, 2006
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Attorney's Docket No.: 14219-110US1 / P2003,0640
US N

Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to Fig. 1 and Fig. 2 and replaces the original sheets including Fig. 1 and Fig. 2.

In Figure 1, the reference designators "SS1," "SS2," and "AS" were relabeled "SSI," "SSC," and "AT," respectively.

Attachments following last page of this Amendment:

Replacement Sheets (two (2) pages)

REMARKS

Applicant has amended claims 1, 2, 7, 16 and 17. Claim 3 has been canceled. Claims 4-6, 8-15, and 18-21 were previously presented. Claims 1, 2, and 4-21 are presented for further examination.

Specification

The specification was objected to as failing to provide antecedent basis for the “target functional cells” of claim 2. Applicant respectfully requests reconsideration and withdrawal of the objection to the specification in view of the foregoing amendments to claim 2.

Drawings

The drawings were objected to for failing to include the reference signs “SSI” and “SSC,” mentioned at page 13, line 1 of the specification. Applicant has amended Fig. 1 to include the reference signs “SSI” and “SSC.” The drawings were also objected to because the acoustic track “AT” mentioned in the specification is labeled “AS” in the figures. Applicant has amended Figs. 1 and 2 to replace the reference designator “AS” with “AT.”

Applicant respectfully requests reconsideration and withdrawal of the objections to the drawings in view of the amendments to Figs. 1 and 2.

Claim Rejections – 35 U.S.C. § 112

Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Office Action (page 3), “it is unclear if the recitation ‘a center frequency of the filter exciting the SAW’ is a correct characterization because it is the transducer, or physical part of the device, which excites a surface acoustic wave at a center frequency, not vice versa.” In this regard, Applicant has amended claim 2 to remove the recitation of ‘a center frequency of the filter exciting the SAW.’

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim under 35 U.S.C. § 112, second paragraph in view of the amendments to claim 2.

Claim Rejections – 35 U.S.C. § 103

Claims 2, 14, 16, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication 2002/0158715 (Nakamura) in view of U.S. Patent No. 6,777,855 (Bergmann).

As shown above, claim 2 was amended to include the features of claim 3, which was identified by the Examiner as containing allowable subject matter. Each of claims 14, 16 and 18-20 depend from claim 2 and are allowable for at least the same reasons.

In view of the foregoing discussion and amendments, Applicant requests reconsideration and withdrawal of the rejection of claims 2, 14, 16, and 18-20 as being unpatentable over Nakamura in view of Bergmann.

Allowable Subject Matter

Applicant acknowledges Examiner's conclusion that claims 1 and 4-12 are allowed, and that claims 3 and 17 would be allowable if rewritten in independent form. As mentioned above, Applicant has amended claim 2 to include the features of claim 3. Accordingly, Applicant submits that claim 2, as amended, is patentable for at least the same reasons. As shown above, Applicant has also amended claim 17, thereby placing claim 17 in independent form including all the features of the base claim (i.e., claim 2).

Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. In particular, Applicant does not concede that all of the identified limitations are necessary to distinguish the prior art of record or to satisfy the requirements of 35 U.S.C. § 112. Furthermore, the broad claims may be patentable for other reasons, and the dependent claims are allowable on their own merits.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as

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an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06-1050, referencing Attorney Docket No. 14219-110US1.

Respectfully submitted,

Date: July 28, 2008



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